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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,780	01/20/2004	Yasunori Sasaki	ALPSP141	3522
22434	7590	02/22/2005	EXAMINER	
BEYER WEAVER & THOMAS LLP				KLAUS, LISA NHUNG
P.O. BOX 70250				ART UNIT
OAKLAND, CA 94612-0250				PAPER NUMBER
				2832

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/761,780	SASAKI, YASUNORI	
	Examiner Lisa N. Klaus	Art Unit 2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 20 January 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-7 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-7 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 20 January 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>1/20/04</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because there are more than one hundred fifty words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "can be" in claims 1, 3 and 4 is a relative term which renders the claim indefinite. The term "can be" is not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nation et al. (US 4,891,476) in view of Latwesen et al. (US 6,525,284).

Nation discloses an index rotary switch comprising:

- a housing 16 arranged in a hollow structure and having a guide portion formed on an inner surface;
- an actuation body 22 which is moved in an axial direction by being guided by the guide portion and to which a first latchet tooth is formed so as to extend in a circumferential direction;
- a cam follower 24 which is disposed in the housing 16 so as to rotate as well as to move in an axial direction and to which a second latchet tooth is formed so as to be engaged with the first latchet tooth;
- a return spring 26 for elastically urging the cam follower 24 in the axial direction so that the first latchet tooth is engaged with the second latchet tooth;
- a rotatable actuating member 28 spline coupled with the cam follower 24;
- a contact element switching mechanism (figure 1), actuated by the rotation of the actuating member 28.

- Regarding claims 1 and 2, Nation does not disclose the actuation body and cam follower formed of an elastomer or plastomer.

Latwesen discloses a switching device comprising:

- the actuation body 1 and the cam follower 4b are formed of an elastomer (see col. 8, lines 1-8);

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the actuation body and the cam follower formed of elastomer or plastomer as taught by Latwesen with Nation's switch for the purpose of preventing the switch device from damage or destruction since elastomer is elastic.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nation et al. (US 4,891,476) in view of Latwesen et al. (US 6,525,284) further in view of Reed et al. (US 5,967,301).

- Regarding claim 3, Nation and Latwesen do not disclose the first and second latchet teeth are formed in an arc shape.

Reed discloses a popout control assembly for radios comprising the first and second latchet teeth are formed in an arc shape.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the first and second latchet teeth are formed in an arc shape as taught by Reed with Nation's switch for the purpose of enhancing the operational characteristic of the ratchet pawl mechanism assembly.

5. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nation et al. (US 4,891,476) in view of Latwesen et al. (US 6,525,284) further in view of Reed et al. (US 5,967,301) and further in view of Valenzona et al. (US 5,132,499).

- Regarding claims 4 and 5, Nation, Latwesen and Reed do not disclose the elastic member whose spring load is smaller than that of the return spring is interposed between the actuation body and the cam follower.

Valenzona discloses a pre-loaded switching apparatus comprising the big spring load 29 and smaller return spring 23.

- the return spring and the elastic member comprise a coil spring.

Valenzona does not disclose the spring load 29 is smaller than the return spring 23.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to reverse the return spring to the top and spring load to the bottom for the purpose of providing more sensitive action pertaining to tactile field when the push button is initially depressed, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

- Regarding claims 6 and 7, Nation, Latwesen and Reed do not disclose at least one of the actuation body and cam follower is formed of an elastomer.

Latwesen discloses a switching device comprising:

- the actuation body 1 and the cam follower 4b are formed of an elastomer (see col. 8, lines 1-8);

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the actuation body and the cam follower is formed of elastomer as taught by Latwesen with Nation's switch for the purpose of preventing the switch device from damage or destruction.

Conclusion

6. Any inquiry concerning this communication should be directed to Lisa Nhungh Klaus whose telephone number is (571)272-1993, and whose fax number is 703-872-9306. In the event that I am not reached, you can contact my supervisor, Mr. Elvin G. Enad at (571)272-1990 or the tech center receptionist at (703) 308-1782.

Lisa Nhungh Klaus

Patent Examiner - Art Unit 2832

January 12, 2005


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2/5/05